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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07.11.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.19230 of 2024

Maruthupandi

... Petitioner / Accused No.2

Vs

The State of Tamil Nadu
Represented by the Sub-Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
(Crime No.369 of 2024)

... Respondent/Complainant

For Petitioner : M/s.Balaji.A,

Advocate

For Respondent : Mr.A.Albert James,

Government Advocate

(Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.

PRAYER :-

For Anticipatory Bail in Crime No.369/2024 on the file of the respondent police.



ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 4(1)(A) and 14(A) of the Tamil Nadu Prohibition (Amendment) Act, 2024, in Crime No.369 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 02.11.2024, the respondent police, on regular patrol duty, intercepted a two wheeler and the accused persons were found in possession of 14 brandy bottles which they had purchased from the tasmac and they were attempting to illegally sell the said brandy bottles in the open market. There are 2 accused persons in this case and the petitioner has been arrayed as A2.

3. Heard the learned counsel on either side and perused the material records of the case.

4. The learned Government Advocate (Criminal Side), on instructions, submitted that the petitioner has 40 previous cases of similar nature.

5. Taking into consideration the facts and circumstances of the fact and also the fact that the brandy bottles have already been seized by the respondent police and the case may not require custodial interrogation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which



the order copy made ready, before the learned Judicial Magistrate Court, Thiruchuli, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police every Monday and Friday at 5.30 p.m. for a period of 8 weeks and thereafter, as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.



[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/11/2024

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/ /2024

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE JUDICIAL MAGISTRATE
THIRUCHULI.

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR.

3 THE SUB INSPECTOR OF POLICE,
THIRUCHULI POLICE STATION, VIRUDHUNAGAR
DISTRICT.



4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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+1 CC to M/s.A.BALAJI, Advocate (SR-13706[I] dated 07/11/2024)

CRL OP(MD) No.19230 of 2024

Date :07/11/2024

BV (14/11/2024) 5P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.